

By: Zaffirini

S.B. No. 1709

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requirement of a guardian to provide information
3 regarding a ward's health and residence to certain relatives of the
4 ward.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 1151.056(a) and (g), Estates Code, are
7 amended to read as follows:

8 (a) This section applies only with respect to a relative
9 ~~[relatives]~~ described under Sections 1101.001(b)(13)(A)-(D):

10 (1) against whom a protective order has not been
11 issued to protect the ward;

12 (2) who has not been found by a court or other state
13 agency to have abused, neglected, or exploited the ward; and

14 (3) who has elected in writing to receive the notice
15 about a ward under this section.

16 (g) In considering a motion under Subsection (e), the court
17 shall relieve the guardian of the duty to provide notice about a
18 ward to a relative under this section if the court finds that:

19 (1) the motion includes a written request from a relative
20 electing to not receive the notice;

21 (2) the guardian was unable to locate the relative after
22 making reasonable efforts to discover and locate the relative;

23 (3) the guardian was able to locate the relative, but was
24 unable to establish communication with the relative after making

1 reasonable efforts to establish communication; or

2 ~~(4) a protective order was issued against the relative to~~
3 ~~protect the ward;~~

4 ~~(5) a court or other state agency has found that the~~
5 ~~relative abused, neglected, or exploited the ward; or~~

6 (4) [~~(6)~~] notice is not in the best interest of the ward.

7 SECTION 2. The changes in law made by this Act apply to a
8 guardianship created before, on, or after the effective date of
9 this Act.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2017.